

JUAN JOSE SALGUERO, et al., v.  
JVK OPERATIONS LIMITED  
Civil Action No.: 12-CV-0635

## **Exhibit C**

Notice of Pendency

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JUAN JOSE SALGUERO, OLVIN RAMON RODRIGUEZ, ALICIA RIVERIA GARCIA, THANIA VELASCO, CARLOS ROBERTO GARCIA, and YOVANY SIFORTES PINTO, on behalf of themselves and all others similarly situated,

Civil Action No.: 12-CV-0635  
(JFB)(AKT)

Plaintiffs,

-against-

JVK OPERATIONS LIMITED, VINOD SAMUEL,  
and MICHAEL CONNELL,

Defendants.

**NOTICE OF PENDENCY**

**IMPORTANT NOTICE ADVISING  
YOU OF YOUR LEGAL RIGHTS**

TO: The Plaintiffs and all current and former employees of JVK OPERATIONS LIMITED, located at 130 New Highway, Amityville, New York 11701, who worked as laborers and/or equipment operators in the processing and cleaning of hospital linens and laundry and in other job functions related to the Defendant's laundry cleaning operations from 2006 through the present. Legal representatives, officers, directors, assigns and successors of the Defendant or any individual who has, or who has had at any time during the Class period a controlling interest in the corporate Defendants will not be a part of the defined class.

If you worked at JVK at any time since 2006, the purpose of this Notice is to advise you of this class action lawsuit, and to further advise you of certain rights you may have with respect to this action under the Fair Labor Standards Act ("FLSA") 29 U.S.C. §201 *et seq.*

Plaintiffs, JUAN JOSE SALGUERO, OLVIN RAMON RODRIGUEZ, ALICIA RIVERIA GARCIA, and YOVANY SIFORTES PINTO are former employees of JVK who have brought this action on behalf of all other current and former employees of JVK. Plaintiffs claim that they, and other JVK employees were incorrectly paid for overtime (hours worked in excess of 40 hours a week) and other New York State Labor Law claims, and have brought this law suit to recover the correct payment.

Defendants and the Plaintiffs have reached a settlement agreement where Defendants have conceded liability and a settlement fund was created pursuant to the agreement. This fund covers attorneys' fees and costs, class members' awards, interest, service payments to class representatives, and a settlement payment to Plaintiff Salguero for his individual retaliation claim.

The law suit seeks the payment of overtime wages pursuant to the Fair Labor Standards Act (29 U.S.C. 201 *et seq.*) that is owed to the current and former employees of the above named Defendants who worked as laborers and/or equipment operators in the processing and cleaning of hospital linens and laundry and other jobs related to the Defendant's laundry cleaning operations.

You may be owed money under the Fair Labor Standards Act if:

- a. You worked overtime for JVK for more than forty (40) hours per week and you were not paid overtime at time and one-half times (1.5x) your normal rate of pay for all hours actually worked over forty (40) hours each week;

This Notice is meant to advise you of your right to participate in this lawsuit as a claimant and Plaintiff under the Fair Labor Standards Act if you believe that you were underpaid by JVK.

**No determination has been made that you are owed any overtime wages and the Court is not endorsing the merits of this lawsuit or advising you to participate in this lawsuit. You are under no obligation to respond to this notice.**

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#### **FAIR LABOR STANDARDS CLAIMS**

If you worked for JVK any time since 2006, you may be entitled to certain protection under the Federal Fair Labor Standards Act for work performed in excess of 40 hours each week when you may not have been paid one and one-half times (1.5x) your regular hourly wage.

If you wish to participate in this portion of the lawsuit, you must have the enclosed written "Consent to Joinder" Form filed with the Clerk of the Court. If you do not sign and mail the unpaid "Consent to Joinder" Form to the address listed below, you will not be permitted to seek recovery of unpaid wages under the Fair Labor Standards Act in this case. However, failure to submit the "Consent to Joinder" Form will not eliminate your right to bring a separate Fair Labor Standard Act claim on behalf of yourself against JVK at some other time.

#### **FILING THE CONSENT TO JOINDER FORM**

If you wish to participate in a portion of this lawsuit that seeks payment of overtime under the Fair Labor Standards Act, you must sign and return the enclosed "Consent to Joinder" Form to:

Claims Administrator  
Settlement Services, Inc.  
P.O. Box 431  
Tallahassee, FL 32302-0431

Archer, Byington, Glennon & Levine, LLP will file the Consent to Joinder Form with the Clerk of the Court on your behalf. If you fail to return the signed Consent to Joinder Form to Archer, Byington, Glennon & Levine so that it may be filed with the Clerk of the Court, you will not be eligible to participate in the FLSA portion of this lawsuit.

\* \* \*

You have a right to consult with an attorney about this matter. James W. Versocki of ABGL Law located at One Huntington Quadrangle, Suite 4C10, Melville, New York 11747-9064, telephone number (631) 777-6975, represents the Plaintiffs in this case.

You will not be required to pay any fee for services provided by the Plaintiffs' attorneys. Plaintiffs' attorneys intend to apply the Court for an award of attorney's fees and reimbursement of reasonable accounting fees and disbursements at the end of this case.

**YOU HAVE A RIGHT TO PARTICIPATE IN THIS ACTION EVEN IF YOU ARE AN UNDOCUMENTED ALIEN OR WERE PAID IN CASH.**

**PLEASE DO NOT CONTACT THE CLERK OF THE COURT.**

Dated: Melville, New York  
April \_\_\_, 2015

SO ORDERED:

/s/ A. Kathleen Tomlinson  
United States Magistrate Judge

740360

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JUAN JOSE SALGUERO, OLVIN RAMON RODRIGUEZ, ALICIA RIVERIA GARCIA, THANIA VELASCO, CARLOS ROBERTO GARCIA, and YOVANY SIFORTES PINTO, on behalf of themselves and all others similarly situated,

Civil Action No.: 12-CV-0635  
(JFB)(AKT)

Plaintiffs,

-against-

JVK OPERATIONS LIMITED, VINOD SAMUEL,  
and MICHAEL CONNELL,

Defendants.

By signing below I, \_\_\_\_\_ (Print Name), consent to become a party plaintiff in this lawsuit in order to seek redress for violations of the FLSA, pursuant to 29 U.S.C. §216(b). I agree to have Archer, Byington, Glennon & Levine, LLP represent me in this action.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Zip Code: \_\_\_\_\_ Apt #: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

The following names are names that I utilized when working for JVK Operations Limited.

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